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09/467,388	12/21/1999	NELSON L. YAPLE	42390.P7088	2337

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/05/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/467,388

Applicant(s)

YAPLE, NELSON L.

Examiner

Saleh Najjar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,14,16,18-21,23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,14,16,18-21,23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the amendment filed on February 20, 2004. Claims 1, 3, 7, 10, 14, 16, 19, 21, 23, 25, and 27 were amended. Claims 15, and 24 were canceled. Claims 29-30 were newly added. Claims 1, 3-10, 14, 16, 18-21, 23, and 25-30 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-9, 21, 23, and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Imai et al., U.S. Patent No. 6,507,611.

Imai teaches the invention as claimed including a method and system for selecting one of a plurality of digital audio decoding methods (see abstract).

As to claim 1, Imai teaches a method comprising:

receiving at an audio-rendering device, data comprising digital audio data transmitted across a network from a host (see figs. 1-2; col. 5-6);

determining whether the received digital audio data is encoded; electing a decoding scheme based on one of at least two coding schemes by which the received digital audio data is encoded, if the determining determines that the received digital audio data is encoded (see figs. 1-10; col. 7-8, Imai discloses that a decoding method ID is inserted into the transmitted audio data, the ID is recognized to indicate a particular decoding method);

decoding the encoded digital audio data in accordance with the selected decoding scheme if the determining determines that the received digital audio is encoded (see figs. 3-4; col. 8, Imai discloses that a decoding method is determined);

preparing the received digital audio data for output (see col. 7-11, Imai discloses that the digital audio signal is prepared for output).

As to claim 3, Imai teaches the method according to claim 1, wherein preparing the received digital audio data for output comprises converting the received digital audio data to analog audio for output (see col. 8, Imai discloses that the audio data is supplied to audio data output circuit 63).

As to claim 4, Imai teaches the method according to claim 1, wherein determining whether the received digital audio data is encoded according to one of the at least two coding schemes comprises determining whether the received digital audio data is encoded according to coding schemes including mp3, wav, au, and aiff (see col. 7-10).

As to claim 5, Imai teaches the method according to claim 1, wherein receiving digital audio data comprises receiving a plurality of digital audio data segments and reconstructing the digital audio data from the received plurality of digital audio data segments (see col. 7-8).

As to claim 6, Imai teaches the method according to claim 5, wherein determining whether the received digital audio data is encoded according to one of at least two coding schemes comprises identifying an indicator code included within at least one of the plurality of digital audio data segments (see col. 8).

As to claim 7, Imai teaches the method according to claim 3, further comprising: determining whether the received digital audio data is compressed; and if the received digital audio data is compressed, then decompressing the compressed digital audio data based upon the selected decoding scheme (see col. 9-21).

As to claim 8, Imai teaches the method according to claim 7, further comprising providing as output the analog audio to an amplification device (see col. 7-10).

As to claim 9, Imai teaches the method of claim 1, wherein the digital audio data is received across at least one of a plurality of networks including a phone line network, a powerline network, and a HomeRF network (see col. 7-8).

Claims 21, 23, and 25-29 do not teach or define any new limitations above claims 1, 3-9 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 14, 16, 18-20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai further in view of Northcutt et al., U.S. Patent No. 6,185,737.

Imai teaches the invention substantially as claimed including a method and system for selecting one of a plurality of digital audio decoding methods (see abstract).

As to claim 10, Imai teaches an audio rendering device comprising:

a network interface to received digital audio data transmitted over a network from an audio host (see figs. 1-4; col. 7-8);

a processor coupled with the network interface to:

determine whether the received digital audio data is compressed; select a decoding scheme based on one of at least two coding schemes by which the received digital audio data is encoded, if the received digital audio data is determined to be compressed (see figs. 1-10; col. 7-8, Imai discloses that a decoding/decompression method ID is inserted into the transmitted audio data, the ID is recognized to indicate a particular decoding/decompression method);

decode the encoded digital audio data in accordance with the selected decoding scheme, if the received digital audio data is determined to be compressed (see figs. 3-4; col. 8, Imai discloses that a decoding method is determined); and a converter coupled to the processor to convert the received digital audio data to analog audio for output (see col. 8, Imai discloses that the audio data is supplied to audio data output circuit 63).

Imai fails to teach the limitation of a special purpose audio device.

However, Northcutt teaches a method and apparatus for providing a multimedia network interface with a multimedia network appliance (see abstract). Northcutt teaches a special purpose audio device (see figs. 1-5; col. 2-3, Northcutt discloses a multimedia appliance that is special purpose/dedicated for audio data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Imai by including the dedicated multimedia appliance as taught by Northcutt. One would be motivated to do so to allow coupling of source/sinks of audio data to the network to obtain an advantage as though the system is connected to a cable wire.

As to claim 14, Imai teaches the audio rendering device of claim 10, further comprising ROM coupled to the processor to store at least one CODEC (see coll. 19-21).

As to claim 16, Imai teaches a network audio system comprising:

A host device disposed in a first location to transmit digital audio data over a network; an audio bridging device disposed in a second location, the audio bridging device communicatively coupled to the host device via the network to receive digital audio data transmitted from the host device, to determine whether received digital audio data is encoded, to select a decoding scheme based on one of at least two coding schemes by which the received digital audio data is encoded, to decode the received digital audio data in accordance with the selected decoding scheme, and to convert the received digital audio data to analog audio for output (see figs. 1-10; col. 7-8, Imai discloses that a decoding method ID is inserted into the transmitted audio data, the ID is recognized to indicate a particular decoding method); and

Stereo equipment communicatively coupled to the audio bridging device, the stereo equipment to amplify the analog audio output (see col. 8, Imai discloses that the audio data is supplied to audio data output circuit 63).

Imai fails to teach the limitation of a residential network audio system.

However, Northcutt teaches a method and apparatus for providing a multimedia network interface with a multimedia network appliance (see abstract). Northcutt teaches

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a residential audio device (see figs. 1-5; col. 2-3, Northcutt discloses a multimedia appliance that is special purpose/dedicated for audio data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Imai by including the residential appliance as taught by Northcutt. One would be motivated to do so to allow coupling of source/sinks of audio data to the network to obtain an advantage as though the system is connected to a cable wire.

As to claim 18, Imai teaches the residential audio system as in claim 16 above, wherein the network comprises a network including at least one of a phoneline network, a powerline network, and a home RF network (see col. 7-11).

Claims 19-20 and 30 do not teach or define any new limitations above claims 1, 3-10, 14, 16, 18 and therefore are rejected for similar reasons.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157